

MAP or TEXT AMENDMENT APPLICATION

WESTPORT PLANNING AND ZONING COMMISSION

OFFICE USE ONLY

Application # 17-034
Submission Date: 5-26-17
Receipt Date: 6-1-17
Amount Fee Paid: 0

- ☒ **TEXT** - AMENDMENT TO ZONING REGULATIONS
☐ **MAP** - AMENDMENT TO ZONING REGULATIONS

- ☐ **TEXT** - AMENDMENT TO TOWN PLAN CONSERVATION AND OF DEVELOPMENT
☐ **MAP** - AMENDMENT TO TOWN PLAN CONSERVATION AND OF DEVELOPMENT

1. Applicant's Name: Planning Zoning Commission Daytime Tel: _____
Applicant's Address: 110 Myrtle Ave E-mail: _____
2. For Text Change Only: Section: Sec 21-4.1, 22-4.3, 23-4.1, 36-2.3, 43-5.2

MAP CHANGES

3. Property Address: _____
4. Property ID# (9 Digits - staff will provide) _____
5. Existing Zoning District/Plan Designation: _____
6. Proposed Zoning District/ Plan Designation: _____
7. Lot Area: _____
8. Property Owner: _____ Daytime Tel: _____
Owner's Address: _____ E-mail: _____
9. Agent's Name (if different): _____ Daytime Tel: _____
Agent's Address: _____ E-mail: _____
10. Zoning Board of Appeals Case # (if any): _____
11. Metes and Bounds Description of Property: _____
12. A previous zone change/land use designation has ☐ has not ☐ been requested for this property
If change was previously requested, indicate date (s) _____
13. A List or A Map showing each ZBA Variance Case Number for all lots within 250' of subject property.
14. This property is ☐ is not ☒ within 500' of an adjoining municipality.
15. Estimated time needed for presentation: 10 mins

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the regulations;
In accordance with the P&Z bylaws.

Catherine Walsh

Applicant's Signature (If different than owner)

Owner's Signature (Must be signed)

1. If the applicant is unable to obtain the signature of the property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3



Town of Westport
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
www.westportct.gov

RECEIVED
MAY 26 2017
WESTPORT P. & Z. C.

TO: To Whom It May Concern
FROM: Planning and Zoning Commission
DATE: May 25, 2017
SUBJECT: Text Amendment #737, Changes to §21-4.1, Setbacks in the RPOD; §22-4.3.1, Setbacks in the RORD; §23-4.1, Setbacks in the RBD; Changes to §36-2.3, Design Standards in the Village District Overlay (VDO) Zone/ Westport Center; and Changes to §43, Special Permit and/or Site Plan Review Procedures

Background:

The Planning and Zoning Commission adopted Text Amendment #727 on 4/6/17 that became effective on 5/6/17, establishing a new chapter, §36, Village District Overlay (VDO) Zone/Westport Center. Simultaneously definitions were added to §5-2 in support of the VDO, and §43 was modified to require full review by the Planning and Zoning Commission of any changes made to buildings and structures located in the VDO.

The VDO regulations are intended to incorporate design principles and standards to protect the distinctive character, landscape, and historic structures within the district by regulating new construction and substantial reconstruction or rehabilitation of properties within the district and in view from public roadways. Alongside Text Amendment #727, the Commission adopted Map Amendment #728 resulting in an VDO overlay onto 79 properties located in Westport Center.

A single public hearing was held before both amendments were adopted. Feedback from Westport residents was subsequently received recommending modifications to the adopted text in an effort to more closely realize the intended goals. This application serves to address some of those concerns. Subsequent amendments may be prepared following administration of the VDO regulations if any unintended consequences are observed requiring further modifications.

Brief Description/Purpose:

Three modifications to the adopted VDO regulations are proposed. First, changes to the underlying zoning district requirements are proposed to restore the thirty-foot (30') front setback requirement to the RPOD, RORD, and RBD zoning districts as the recently adopted ten-foot (10') setback requirement may be inconsistent with the purpose of these districts that are identified as representing transitional zones that serve as buffers between residential and commercial uses. Restoring the original setbacks may result in a greater likelihood of preserving existing historic buildings many of which are pre-existing non-conforming to the thirty-foot (30') setback, while simultaneously allowing for more land to be dedicated to a front landscape area and enhancements to the streetscape.

The second modification is considered a "housekeeping" item in §36-2.3, Design Standards, to correct an error in a cross reference as the current language refers to a section that does not exist.

The third modification is to §43 to restore the language that allows for small-scale projects (as defined in §43-5.2), including those located in the Village District Overlay Zone/Westport Center, to be eligible for a Site Plan Waiver by the Planning and Zoning Director in lieu of a full review by the Planning and Zoning Commission. This change should help facilitate VDO property owners by allowing them the same expedited approval process enjoyed by other commercial property owners. Language is also proposed to clarify design review may be required prior to the granting of a site plan waiver.

Benefits:

The proposed text amendments are supported by the *2007 Plan of Conservation and Development*; as follows:

Chapter 7, (*Maintaining Centers with a Strong Sense of Place*), recommends the Planning and Zoning Commission establish a Village District to:

"Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life." Pg. 7-1

"Westport's downtown area is an important asset to the community and the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view all contribute to the overall attractiveness of the downtown area and its economic vitality. It is important that:

- *The distinctive character, landscape and historic value of the downtown area be protected and preserved,*
- *The conversion, conservation and preservation of existing buildings and sites be encouraged in a manner that maintains the historic or distinctive character of the district, and*
- *Any new development occurs in a way that protects and enhances the character of the downtown area.*

One of the best tools available to protect the distinctive character, landscape and historic structures within the downtown area is a "village district" zoning designation as authorized by CGS Section 8-2j. Designation of all or part of the downtown area as a "village district" will allow the Commission to have greater authority over the design aspects of applications in the downtown area and help ensure that the character is preserved and enhanced in the future. The Joint Committee of the Historic District Commission and Architectural Review Board could be designated as the village district consultant to assist the Commission with design matters.

The Commission should consider adopting a new zoning district in the downtown area which is a "village district" or establishing an overlay zone which is a "village district" in the downtown area." Pg 7-8

Summary of Regulation Changes:

§21, RPOD Zone: (Modified). The regulations for the RPOD Zone are modified to remove the section that requires buildings and structures shall be no more than ten-feet (10') from the front lot line. The current regulation requires any new or renovated buildings to be no more than ten-feet (10') from the front lot line even if a larger setback is preferred. This is inconsistent with the purpose of the underlying zone that is intended to be a transitional zone acting as a buffer between residential and commercial zones. The original thirty-foot (30') front setback requirement is proposed to be restored.

§22, RORD Zone: (Modified). The regulations for the RORD Zone are modified to remove the section that requires buildings and structures shall be no more than ten-feet (10') from the front lot line. The current regulation requires any new or renovated buildings to be no more than ten-feet (10') from the front lot line even if a larger setback is preferred. This is inconsistent with the purpose of the underlying zone that is intended to be a transitional zone acting as a buffer between residential and commercial zones. The original thirty-foot (30') front setback requirement is proposed to be restored.

§23, RBD Zone: (Modified). The regulations for the RBD Zone are modified to remove the section that requires buildings and structures shall be no more than ten-feet (10') from the front lot line. The current regulation requires any new or renovated buildings to be no more than ten-feet (10') from the front lot line even if a larger setback is preferred. This is inconsistent with the purpose of the underlying zone, that is intended to be a transitional zone acting as a buffer between residential and commercial zones. The original thirty-foot (30') front setback requirement is proposed to be restored.

§36-2.3, Design Standards for the Village District Overlay (VDO) Zone/Westport Center: (Modified). The current regulation that exempts buildings used as single-family dwellings from having to comply with specific sections is being corrected as there was a typo. The section referenced for Streetscapes and Sidewalks was §36-2.3.5 (6) and it should have been §36-2.3.6.

§43, Special Permit and/or Site Plan Review Procedures: (Modified), The current regulation permits the Planning and Zoning Director to waive Planning and Zoning Commission review of small-scale projects as defined in §43-5.2, except those located in §36, Village District Overlay Zone/Westport Center that initially requires review by the Joint Committee and subsequently Site Plan review by the Planning and Zoning Commission. The text amendment proposes removing the exception language for small-scale projects in the Village District Overlay Zone/Westport Center thereby providing VDO property owners the same expedited approval process enjoyed by other commercial property owners located outside the VDO. Language is also proposed to clarify design review may be required prior to the granting of a site plan waiver. Currently the language only references the Architectural Review Board (ARB). This language needs updating to refer additionally to the Historic District Commission (HDC) as well as the Joint Committee (comprised of members of both the ARB and HDC) so as to be consistent with other sections of the existing zoning regulations that requires review by the HDC and/or Joint Committee.

Attachments

Proposed Text Amendment #737

RECEIVED
MAY 26 2017
WESTPORT P. & Z. C.

TEXT AMENDMENT #737/APPL. #17-034

Submitted: 5/26/17
Received: 6/1/17
Public Hearing: 6/15/17
Adopted: _____
Effective date: _____

Deleted language is ~~[struck out and in brackets]~~; New language is underlined.

§21 RESTRICTED PROFESSIONAL-OFFICE DISTRICT (RPOD)

21-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

21-4.1 Setback from the Front Lot Line within the Village District Overlay

21-4.1.1 ~~Substantial Reconstruction and Rehabilitation within the Village District Overlay~~

~~Within the Village District Boundary (see §36 Village District Overlay), the main façade of a principal building, structure or use shall be no more than ten feet from the front lot line. This setback requirement applies to all new construction and rehabilitation (as defined in §5-2) that alters the location of the main façade.~~

21-4.1.2¹ Maintenance and Minor Repairs – Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No site plan review is required.

§22 RESTRICTED OFFICE RETAIL DISTRICT #1, #2, #3 (RORD)

22-4 *Setbacks (See §31-4 through §31-8, also.)*

22-4.1 In a RORD #1

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line, or twenty five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

22-4.2 In a RORD #2 & #3

No principal building, structure, or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

22-4.3 Setback from the Front Lot Line within the Village District Overlay

~~22-4.3.1 Substantial Reconstruction and Rehabilitation within the Village District Overlay~~

~~—Within the Village District Boundary (see §36 Village District Overlay), the main façade of a principal building, structure or use shall be no more than ten feet from the front lot line. This setback requirement applies to all new construction, substantial reconstruction, and rehabilitation, and alterations (as defined in §5-2) that alters the location of the main façade.~~

22-4.3.21 Maintenance and Minor Repairs – Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No site plan review is required.

§23 RESTRICTED BUSINESS DISTRICT (RBD)

23-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall exceed closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

23-4.1 Setback from the Front Lot Line within the Village District Overlay

~~23-4.1.1 New and Substantial Reconstruction within the Village District Overlay~~ Within the Village District Boundary (see §36 Village District Overlay), the main façade of a principal building, structure or use shall be no more than ten feet from the front lot line. This setback requirement applies to all new construction and to substantial reconstruction (as defined in §X 1.3 Applicability) that alters the location of the main façade.

23-4.1.21 *Maintenance and Minor Repairs* – Existing buildings that are within the Village District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No site plan review is required.

§36 VILLAGE DISTRICT OVERLAY (VDO) ZONE / WESTPORT CENTER

36-2.3 Design Standards

The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, walkways, bikeways or from the Saugatuck River. Where applicable, these standards are designed to supplement existing regulations in Sections 33, 34 and 35 of the Zoning Regulations.

Buildings that are used as single-family homes within the Village District do not have to comply with the following standards: 36-2.3.3 (2) Placement and Treatment of Entries; 36-2.3.3 (7) Transparency; 36-2.3.3 (8) Awnings and Signage; 36-2.3.5 Parking; and ~~36-2.3.5 (6)~~ 36-2.3.6, Streetscapes and Sidewalks.

§43 SPECIAL PERMIT AND /OR SITE PLAN REVIEW PROCEDURES

43-5 PUBLIC HEARING

43-5.1 Special Permit Hearings

The Commission shall hold a public hearing on an application for a Special Permit. If the grant of such an application is dependent on the Commission's approval of a Site Plan, the applicant shall submit an application for Site Plan review at the same time as he submits his application for a Special Permit and both applications shall be considered at the same public hearing.

43-5.2 Site Plan Review and Hearings

Site Plan approval by the Planning & Zoning Commission shall be required for construction, addition or alteration of a non-residential building involving more than five hundred (500) square feet of building coverage or containing more than five hundred (500) sq ft of gross interior floor space, or any of the uses or activities listed below:

- 1) A Change of Use pursuant to §5-2.
- 2) Activities located with the Coastal Boundary pursuant to §31-10.6.
- 3) Truck trailer storage for more than 7 days pursuant to §32-8.1.
- 4) Excavation and fill activities that are not exempt pursuant to §32-8.1.
- 5) Outdoor Special Events, pursuant to §32-23, that:
 - (a) Exceed ten (10) days in duration and are located in a non-residential district.
 - (b) Exceed two (2) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located in a residential district.
 - (c) Exceed seven (7) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located on a privately-owned property in a residential district containing a Special Permit Use.

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan review, other than an application for a Site Plan review covered by 43-5.1 & 43-5.2 above.

The P&Z Director may waive P&Z Commission review of small-scale projects (~~except those located in §36, Village District Overlay Zone which require review by the Joint Committee and Site Plan review by the Planning and Zoning Commission~~), but may require the approval of the Architectural Review Board, Historic District Commission and/or Joint Committee as defined in §36, Village District Overlay (VDO) Zone/Westport Center, and will require a zoning permit. Small-scale projects include:

- 1) Minor Site Plan modifications such as parking lot alterations or expansions, landscape modifications and utility modifications;
- 2) Exterior façade changes to commercial buildings;
- 3) Small building additions with fewer than five hundred (500) sq ft of building coverage or containing fewer than five hundred (500) sq ft of gross interior floor space.
- 4) Exterior staircases mandated by the Fire Marshal.
- 5) Handicap ramp and elevators mandated by the Building Official for public safety.

43-5.3 Hearing Dates

Any such public hearing shall be held within 65 days after the date of receipt of a complete application and shall be completed within 35 days after such public hearing commences.